G. R. S. App. F. IX-4]

Previous References.

1942-3.
(War)

War File No. 34-42.
Serial Nos. 1 to 3.

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Three only

Part B for September 1942

SUBJECT.

Delegation of powers to the Inspector-General of Prisons, & the Deputy Commissioners of Districts under Rule 26(5) of the Defence of India Rules.

J. M. Krishnaswami
24.9.42

Serial No.

Submitted for consideration
re Proposal of Judicial Rule
R 26 (1) (b), may be
amended by adding
"in any place in Bhopawar
specially in view of the
proviso to R 26 (5A)

Asst
13.8.42
Asst Secy for Law

Draft as proposed with instructions amending the note in Delegated Powers Document.

14/8/42

Draft is submitted.
The proviso may be retained
deleted

The desirability of the
Govt itself passing orders
regarding places of detention
when they are to be situated
outside the local jurisdiction
of the D.C. who detains, may
profitably be considered

Asst
14.8.42
Asst Secy for Law

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

W 34-42-1

675/5

I have submitted 3 drafts for consideration. Under drafts 2 and 3, the Deputy Commissioners will have the power to determine the places of detention in any place in Mysore, under Rule 26(5); but in such a case the advisability of adding the proviso of draft No.2 may be considered.

Under draft No.1, powers will be delegated to the Inspector-General of Prisons to determine places of detention of persons directed to be detained, <u>from time to time</u> (which means that he can change the places of detention). The question to be considered in this connection is whether there can be one officer for ordering detention and another officer for determining the places of detention from time to time. Section 2(5) of the Act lays down that the Government may direct the powers to be exercised by any officer or authority. Rule 26(b) gives power to the person to whom the authority is delegated to direct the detention of any particular person. Therefore it may be contended that only one officer can have the power to direct detention as well as the places of detention; but a separate provision is made regarding determining from time to time the place of detention by Rule 26(5). Therefore there may not be any objection for one officer directing the detention under Rule 26(b) and another officer determining the places of detention from time to time.

Minister for Law
AUG 15 1942
No. 1583.

The desirability of Government itself passing the orders under Rule 26(5) may also be considered. A general order directing detention of all detenues at Hassan is sufficient.

The additions suggested in the alternative to be made in the draft Notification No.3 are entered in the copy of the Notification which is herewith submitted.

Secy
14-8-42

Minister for Law

Notfn, is in order. Examine

Secy
17/8/42.

Asst Secy
Shri W.C.

Issued

17/8/42

675/W 816/W Delegation under Rule 26(5) q. tte Defence of India Rules & tte I.S.A. Prisons

General and Revenue Secretariat | W File No. 34 of 1942-3. | [App. F. III—2

Serial No.	
2.	Issue of Notification no 1106 & 17th Aug. 42 by tte Compiler no 1107-17/W 15 q Police 15 q Prisons D Ms q Bks.
3.	From the D.C., Mandya. q PR. 72/42-43 & 1st Sept. 42 regarding permission by Asst tte persons detained under tte Defence of India Rules either by tte gaol at Mysore or by tte gaol at Bangalore in tte first instance, as there is no gaol in his Dt. Asked for general and orders whether tte various permissions may be accorded, in tte circumstances stated. for favour of remarks Asst Sec (Pris.) (Prisons) q Mandya has no gaol but only a Taluq Lock-up for undertrials capable of accomodating about 13 persons Asst Secy 2 Sec. W.C. Draft Not. is sent for approval Law Secy Chief Secy

NOTE:—Contn. Sheet

WD 04155—GPB—55,000—23-10-41

SECY. LAW DEPT. GOVT OF MYSORE

CHIEF SECRETARIAT 5 SEP 1942 BANGALORE

1402

675
816/W

File No. of 194 .

General and Revenue Secretariat.

Serial No.

OFFICE OF THE MINISTER FOR [illegible]
SEP 7 1942
No 21614

For personal Explanation

Law Dept

I do not see the need for such an order only at Mandya.
~~Enquiries Clear~~ Please see. Please enquire with the Revs.
Dy Comr
8/9

Chief Secy
6-9-42
8/9

Now that a Sub-Court is at Seringapatam there will necessarily be the notification being issued. I enclosure to the Munsiff for Law

Chief Secy
10-9-42
W.C.

CHI RY. 11 SEP 1942 GOVT OF MYSORE.

M
11/9

Draft reply is submitted for orders

11/9/42
M. Law Secy

Law Secy
11/9

Law Secy
11/9

SECY. LAW DEPT. 11 [illegible] GOVT OF MYSORE

Issued letter No P 1850 dated 15-9-1942 to the D.C. Mandya Dist.

This may be sent to the war section.

B
16/9/42

3
18/9/42

Notification No.2.

LAW SECRETARIAT.

No.

In exercise of the powers vested by sub-section (5) of Section 2 of the Defence of India Act, 1939, as applied to Mysore (Act XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that the power under R 26(b) of the Defence of India Rules to determine from time to time the places of detention in any part of Mysore shall be exercised by the Deputy Commissioner who directs the detention of the persons concerned by him under Rule 26(b):

Provided that no such place outside his local jurisdiction shall be determined save with the previous consent of the Deputy Commissioner of the District in which the place is situate.

By Order,

14-6-42

Secretary to Government,
Law Department.

Notification No.3.

LAW SECRETARIAT.

No.

In exercise of the powers vested by sub-section (5) of Section 2 of the Defence of India Act, 1939, as applied to Mysore (Act XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that in the Notification No.R.L. 1689-Legis.2-41-92, dated 9th March 1942, the following shall be added after the words "fourth column of the schedule" changing the full-stop occurring at the end of the sentence into a semicolon:

"Provided that the officer specified shall have power under Rule 26 to determine the place of detention in any place in Mysore."

Or

In exercise of the powers vested by sub-section (5) of Section 2 of the Defence of India Act, 1939, as applied to Mysore (Act XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that in column II of the schedule annexed to the Notification No.R.L.1689-Legis.2-41-92, dated 9th March 1942, the following words shall be added as against rule No.26 after the words "detention orders", changing the full-stop into coma after the word 'orders':

"and power to determine from time to time under Rule 26(5) in any place in Mysore for detention"

and that in the Notification, the following words shall be added between "jurisdictions" and "by the officers"

"save as otherwise provided in the schedule annexed"

By Order,

14-4-42

Secretary to Government,
Law Department.

'save as otherwise provided in the schedule annexed

LAW SECRETARIAT.

No. R. L. 1689—Legis. 2-41-92, dated 9th March 1942.

In exercise of the powers conferred by sub-section (5) of Section 2 of the Defence of India Act, 1939, as applied to Mysore (XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that the powers specified in the first two columns of the schedule annexed hereto shall, in respect of all districts in Mysore, be exercised within their local jurisdictions by the officers specified in the third column of the said schedule subject to the conditions, if any, specified in the fourth column of the schedule; provided that the officer specified shall have power under Rule 26 to determine the place of detention in any place in Mysore. (1)

Schedule.

No. of Rule	Subject	Officer to whom delegated	Conditions, if any, subject to which the powers delegated are to be exercised by the officers mentioned in column 3
I	II	III	IV
6	Prohibited place ...	Deputy Commissioners of Districts.	
7	Declaring a place to be a protected place.	Do ...	
8	Protected area ...	Do ...	
9	Orders for certain places and areas.	Do ...	Subject to special or general orders of Government.
12	Power to close roads, etc. ...	Sub-Division Officers ...	Subject to special or general orders of Deputy Commissioners.
15	Control of land marks, etc. ...	Do ...	Do
26	Restrictions of suspected persons, restriction orders and detention orders, *	Deputy Commissioners of Districts.	* and power to determine from time to time under Rule 26(5) any place in Mysore for detention. (2)
40	Proscription, etc., of certain documents.	Do ...	
41	Power to impose censorship ...	Do ...	
43	Control of dramatic performances...	Sub-Division Officers ...	Subject to special or general orders of Deputy Commissioners.
49	Evacuation of areas ...	Deputy Commissioners of Districts.	
50	Accommodation of evacuated persons.	Do ...	
51	Precautions against hostile attack.	Do ...	
51(a)	Watching of premises to detect fire.	Do ...	
51(b)	Measures for dealing with outbreak of fire.	Do ...	
51(f)	Power to require local authorities to take precautionary measures.	Do ...	
51(g)	Keeping of dangerous articles and substances.	Do ...	
52 (1)	Control of lights and sounds ...	Sub-Division Officers ...	Subject to the special or general control of Deputy Commissioners.

No. of Rule	Subject	Officer to whom delegated	Conditions, if any, subject to which the powers delegated are to be exercised by the officers mentioned in column 3
I	II	III	IV
53	Curfew Orders ..	Deputy Commissioners of Districts.	
54	Carrying and possession of arms and explosives and dangerous articles.	Do ...	
55	Manufacture and transport of explosive and dangerous articles.	Do ...	
56	Control of processions, meetings, etc.	Do ...	
59A	Power to require the assistance of certain persons.	Magistrates, District Superintendents of Police and Police Inspectors.	Subject to the general or special control of the Deputy Commissioners.
74	Stopping of Aircraft ..	Deputy Commissioners.	
76	Powers relating to buildings and premises.	Deputy Commissioners	
76(A)	Powers relating to storage accommodation, etc.	Do	
78	Powers to work on land ...	Sub-Division Officers ...	Subject to special or general control of Deputy Commissioners.
78(A)	Power to require certain persons to do work.	Sub-Division Officers, Amildars, Deputy Amildars.	Do
79	Requisition of land ...	Deputy Commissioners	
80	Use of land for purposes of His Majesty the King Emperor's forces, or the forces of His Highness the Maharaja.	Do	
81	General control of industry, etc. ...	Do	
83	Requisition of moveable property...	Do	
89	Control of road transport ...	Do	
116	Power to obtain information ...	Sub-Division Officers ...	Subject to general or special orders of Deputy Commissioners.
126	Further powers of search ...	Do ...	Do
127	Entry and inspection of land ..	Do ...	Do
129	Further powers of arrest and detention.	Do ...	Do

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Notification No.1.

675/W

W 34-42-2.

~~LAW SECRETARIAT.~~

No. 1106/W dt 17/8/42

In exercise of the powers vested by sub-section (5) of Section 2 of the Defence of India Act, 1939, as applied to Mysore (Act XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that the power, under Rule 26(5) of the Defence of India Rules, to determine, from time to time, the places of detention of ~~the~~ a person directed to be detained under Rule 26(b), shall also be exercised by the Inspector-General of Prisons in Mysore.

By Order,

14-8-42

Secretary to Government,
~~Law~~ Department.

1107-1117

Copy of the above is forwarded to the Inspector-General of Police and I.G. Prisons, ~~for~~ for information. The Deputy Commissioner will, in his order, direct the detention of the person in any place in his jurisdiction and the I.G. of Prisons may thereafter ~~have~~ determine any other place in the State for detention, according to circumstances.

Copy to Press Rep.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 1106/W. General and Revenue Secretariat,

Dated Bangalore, 17th August 1942.

NOTIFICATION.

In exercise of the powers vested by sub-section (5) of Section 2 of the Defence of India Act, 1939, as applied to Mysore (Act XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that the power under Rule 26(5) of the Defence of India Rules to determine, from time to time, the place of detention of a person directed to be detained under Rule 26(b) shall also be exercised by the Inspector-General of Prisons in Mysore.

By Order,

(Sd.) M.G.Mehkri.

Chief Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in the Gazette and for supplying 150 copies to this office.

Memo No.1107-1117/W. Dated the 17th Aug. 1942.

Copy of the above is forwarded with compliments to the Dist. Magistrates of Dists. The Dist. Magistrate will, in his order, direct detention of the person in any place in his jurisdiction and the Inspector-General of Prisons may thereafter determine any other place in the State for detention, according to circumstances.

For Chief Secy. to Govt.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

No.1106/W. Dated, Bangalore, the 17th Aug. 1942.

NOTIFICATION.

In exercise of the powers vested by sub-section (5) of Section 2 of the Defence of India Act, 1939, as applied to Mysore (Act XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that the power under Rule 26(5) of the Defence of India Rules to determine, from time to time, the place of detention of a person directed to be detained under Rule 26(b) shall also be exercised by the Inspector-General of Prisons in Mysore.

By Order,

(Sd.) M.G.Mehkri.
Chief Secretary to Government.

To The Compiler, Mysore Gazette, for publication in the Gazette and for supplying 150 copies to this office.

Memo No.1107-1117/W. Dated the 17th August 1942.

Copy of the above is forwarded with compliments to the Dist. Magistrates of Districts. The Dist. Magistrate will, in his order, direct the detention of the person in any place in his jurisdiction and the Inspector-General of Prisons may thereafter determine any other place in the State for detention, according to circumstances.

For Chief Secretary to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 1106/W. General and Revenue Secretariat,

Dated Bangalore, 17th August 1942.

NOTIFICATION.

In exercise of the powers vested by sub-section (5) of Section 2 of the Defence of India Act, 1939, as applied to Mysore (Act XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that the power under Rule 26(5) of the Defence of India Rules to determine, from time to time, the place of detention of a person directed to be detained under Rule 26(b) shall also be exercised by the Inspector-General of Prisons in Mysore.

By Order,

Chief Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in the Gazette and for supplying 150 copies to this office.

20. No. J.P.R 72 Encl. 42-43

Mr. Mir Safdar Hussain, B.A.,
~~[illegible]~~,
District Magistrate.

816/W 1402 p 42

MANDYA,

W34-42-3. Dated September 1, 1942

Dear Sir,

pp 7.

Adverting to your Memo No. 1107/1117/w dated 17th August 1942 forwarding Government Notification No. 1106/w of even date regarding the place of detention of persons under the Defence of India Rules, I have to state that as there is no jail in this District, I may kindly be permitted to send the persons detained under the Defence of India Rules either to the Jail at Mysore or to the jail at Bangalore in the first instance. The Inspector General of Prisons may, ~~thereafter~~ thereafter determine the place where these persons may be detained as contemplated in the Government Notification under advertance.

GENL & REV. SECRETT. 3. SEP. 1942

Yours Sincerely,

Mir Safdar Hussain

Mothamed-ul-mulk
M.G. Mehkri, Esq., B.A., LL.B.,
Chief Secretary to the Government
of Mysore,
Bangalore.

Appendix F G—1]

SUBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No.

To Notification

In exercise of the powers
vested by sub section (5) of Section
(2) of the Defence of India Act 1939
as applied to Mysore (Act
XXVI of 1939 the Govt of HH the
Maharaja are pleased to direct
that while exercising the powers
under Rule 26 of the Defence of India
Rules in pursuance of the delegation
of powers sanctioned in
Notification No RL 1689/Legis
2-41-92 & 9th March 42
the D M Mandya may order

General and Revenue Secretariat

( )

the *19*

Date of issue.....

Signed by .....

List of enclosures.....

Copied by .....

Examined by .....

deletion of prisons in Dt. Jail at Mysore or Bangalore

please give correction

B. O

Chief Secy to Govt for 4/9/14

Compile MS for publication

Copy to IS of Prisons
IS of Police
A M Munshi.

Appendix F G—1]

SUBJECT .....

.....

.....

General and Revenue Secretariat

( )

the *19*

Date of issue 15-9-42

Signed by Mr. M. K. V.

List of enclosures .....

Copied by 15/9/42

Examined by .....

Section

File No.

Serial No.

Diary No. of letter replied to .....

Subject:- Detention of persons - place of detention

D.O. No. P/550 Sec II

To Dear Sir,

In reply to your Demi Official Letter No. J.I.P.R.72/42-43 dated 1st September 1942 on the above subject I am directed to enclose herein a copy of G.O. No. dated 1942 concerning the Taluk lock up at Srimushnam in Mandya Dt and a sub jail in which the detenues may be ordered to be detained ~~in transit~~ ~~residence~~

Yours Sincerely

11-9-42

To

Mir Safdar Hussain Esqr B.A

D.C. Mandya Dt.

WD 086—GPB—40,000—30-7-40

11/9/42